

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 28, 2006
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:02 a.m. Council President Peters recessed the meeting at 11:00 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:31 a.m. with all Council Members present. Council President Peters recessed the meeting at 11:38 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:06 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:03 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:11 p.m. with all Council Members present. Council President Peters recessed the meeting at 5:10 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:18 p.m. with all Council Members present. Council President Peters recessed the meeting at 5:53 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the meeting at 5:55 p.m. with all Council Members present. Council President Peters recessed the meeting at 7:00 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 7:08 p.m. with all Council Members present. Council President Peters recessed the meeting at 8:47 to reconvene the Redevelopment Agency. Council President Peters reconvened the meeting at 8:47 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 8:49 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (ek/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Stephen Cushman commented on the Holiday Bowl and the Poinsettia Bowl held in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:22 a.m.)

PUBLIC COMMENT-2:

Don Stillwell commented on the subject of improving transportation service in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

PUBLIC COMMENT-3:

Allyson Smith commented on conflicts of interest in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

PUBLIC COMMENT-4: REFERRED TO THE OFFICE OF THE MAYOR

John Hartley commented on the subject of the seals at the Children's Pool in La Jolla.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:34 a.m.)

PUBLIC COMMENT-5:

Al Strohlein commented on the Ethics Commission, and the Detox facilities in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:35 a.m.)

PUBLIC COMMENT-6:

Glenn Mac Nary commented on the use of money, gold, and silver in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:36 a.m.)

PUBLIC COMMENT-7:

Hud Collins commented on the subject of weekly briefings regarding the 2003 audit for the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:39 a.m.)

PUBLIC COMMENT-8:

Ron Boshun commented on the actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:43 a.m.)

PUBLIC COMMENT-9:

Bertha Klann commented on the proposed park to be built in North Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:45 a.m.)

PUBLIC COMMENT-10:

Jack Griffiths expressed thanks to Council President Peters and others for their support in his district.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:47 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

Assistant City Attorney Karen Heumann reported on the Closed Session meeting of February 27, 2006, Item 2, City of San Diego v. Barratt American, Inc., Lee Living Trust. The City Council voted to approve and adopt a settlement offer of \$103,305, paid from State Route 56 funds. Miss Heuman stated that the motion was made by Council President Peters, seconded by Council Member Madaffer, and passed by a vote of 6 to 0, with Council Members Maienschein and Hueso absent.

Assistant City Attorney Karen Heumann also reported that last Tuesday, February 21, 2006, the City Council in Closed Session voted 7 to 0 to appeal the matter of Valerie O'Sullivan v. City of San Diego. The motion was made by Council Member Frye, seconded by Council President Pro Tem Young, with Council President Peters voting nay.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.;
10:32 a.m. – 10:33 a.m.)



[ITEM-30:](#) George Mitrovich Day.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-641) ADOPTED AS RESOLUTION R-301253

Proclaiming February 28, 2006, as "George Mitrovich Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:10 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



[ITEM-31:](#) Ricardo Vela Day.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-671) ADOPTED AS RESOLUTION R-301256

Proclaiming February 28, 2006, to be "Ricardo Vela Day" in the City of San Diego in celebration of his accomplishments and in recognition of his commitment to the people of the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:18 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-50: Amending the San Diego Municipal Code Section 54.0212 Regarding Abandoned Personal Property.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-77 Cor. Copy) INTRODUCED, TO BE ADOPTED
TUESDAY, MARCH 21, 2006

Introduction of an Ordinance amending Chapter 5, Article 4, Division 2, of the San Diego Municipal Code, by amending Section 54.0212, regarding Abandoned Personal Property;

Declaring this activity is not subject to CEQA pursuant to CEQA Guideline Section 15060(c)(2) because the Municipal Code amendment will not result in a direct or reasonably foreseeable indirect physical change in the environment.

STAFF SUPPORTING INFORMATION:

To preserve public health, safety and welfare, the Environmental Services Department (ESD) frequently abates waste and abandoned or unattended personal belongings on City property. The waste and abandoned or unattended personal belongings are either impounded or disposed of, based on the type, condition and estimated value of the abated items. Existing Code 54.0212, states that abated material valued at more than \$10 must be stored in an interim facility, if available, for at least 96 hours before being transferred to the Chief of Police pursuant to SDMC 22.0603 for future sale or disposal. This process causes logistical concerns for both ESD and the San Diego Police Department (SDPD).

Changes to SDMC 54.0212 are needed to clarify the disposition of abandoned personal property and possessions located on public property, while providing for a more efficient and cost effective procedure for handling this property. Specific Code changes include raising the value of abated personal property from \$10 per item to \$100 per item, identifying these items as "unclaimed property," and eliminating the interim storage, if available, requirement.

SDPD uses criteria found in California Civil Code Sections 2080 through 2080.10 for operation of its impound storeroom as it relates to unclaimed property. Section 2080.1 of the California Civil Code specifies that only property valued at \$100 or more should be turned over to the local police department. This property is then subject to a 90-day storage requirement and potential for sale at public auction. Material valued at less than \$100 will be recycled, if possible, or disposed of.

During Fiscal Year 2004 and Fiscal Year 2005 the Environmental Services Department conducted approximately 78 transient camp/waste abatements and only two to three times were code personnel required to impound an item valued at \$10 or more at SDPD property room. ESD code personnel post transient camps as well as shopping carts with personal belongings in them with Abatement Notices giving a minimum of 24 hours for person(s) to remove their belongings before an abatement occurs.

During Fiscal Year 2004 and Fiscal Year 2005, ESD code personnel did not receive any requests from a person wanting to claim their personal belongings. SDPD, property rooms receive approximately 200 impounds a month of items (i.e. broken TV's, electronics, bicycles that appear to be discarded, suitcases and backpacks with dirty clothes, household items, etc.) for which the owner is unidentifiable and an estimated 75 to 100 impounds (wallets, keys, cell phones and bicycles) a month for which they are able to identify the owner and send releases. A tremendous amount of an Officer's time is spent picking up, transporting and impounding all of the above. Police property room personnel are required to process, package and store these items at a tremendous cost. Those items in which the owner is not able to be determined are rarely ever claimed.

Amending the SDMC to be consistent with property value limits set forth in the California Civil Code and eliminating the interim storage requirement will provide for the immediate disposal of lesser value items, allow for a more efficient and effective abatement process, and result in a reduction in storage and handling for both ESD and SDPD.

FISCAL IMPACT:

There is no direct fiscal impact associated with these changes; however, greater efficiencies are expected.

Mendes/Heap/NL

Staff: Nancy Lovell – (858) 573-1260
Grace C. Lowenberg – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

CONSENT MOTION BY FAULCONER TO INTRODUCE. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-100: Transfer of Funds for Mira Sorrento Place Project – Scranton Road to Vista Sorrento Parkway.

(Mira Mesa Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-576 Cor. Copy) ADOPTED AS RESOLUTION R-301257

Authorizing the transfer of \$1,000,000 within Fund No. 79006, Mira Mesa FBA, from CIP-52-392.0, Carroll Canyon Road - Sorrento Valley Road to Scranton Road, to CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,000,000 from Fund No. 79006, Mira Mesa FBA, CIP-52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, to provide funds for construction costs of the project;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice from the administering department;

Declaring this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(c) because this activity is a subsequent discretionary approval of a project which was adequately addressed in LDR File No. 41-1031 and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

STAFF SUPPORTING INFORMATION:

The Mira Sorrento Place project consists of widening the existing two-lane 560' portion of Mira Sorrento Place (40' road width, 55' right-of-way) to a four-lane collector (72' road width, 92' right-of-way), and extending the road to intersect with Vista Sorrento Parkway at the existing on/off ramps to Interstate 805, in accordance with the community plan. The project is currently under construction and is expected to finish by April, 2006. During construction, an error was discovered in the alignment of approximately 400 feet of the proposed retaining walls.

As a result, the contractor was required to import select fill material not included in the original contract. The contractor submitted a construction claim for approximately \$500,000 for this change in the scope of the work. Staff is reviewing this claim to determine the appropriate measure of compensation due to the contractor. Staff will also determine if this error is attributable to the design consultant and if so, whether any of the resulting cost increase can be recovered.

The contractor has submitted a second delay claim in connection with the utility relocation work performed by SDG&E and Kinder Morgan. This delay resulted in materials cost escalations and other associated costs for a total claim of \$485,000. Staff is also evaluating this claim in order to determine the appropriate measure of compensation due to the contractor.

This action will provide the funds required for additional construction costs resulting from the necessary redesign of the retaining walls and the project delays. Any necessary change orders will be processed at a later date after staff have evaluated the claims and negotiated appropriate compensation with the contractor. Provided that the Petco Headquarters Project proceeds as approved, the funds transferred from the Carroll Canyon Road CIP to the Mira Sorrento CIP will be replaced by Petco's payment of \$1,050,000, their fair share of costs associated with improvements on Carroll Canyon Road, Mira Sorrento Place, and the connection to I-805. Petco is required to pay this amount pursuant to the mitigation requirement in the Petco HQ Project's Environmental Document which reads, "[p]rior to the issuance of any building permit of the project, the applicant shall assure the following mitigation measures to the satisfaction to the City Engineer: Pay a fair share of \$1,050,000 towards the improvement on Carroll Canyon Road, Mira Sorrento Place and their connection to I-805".

FISCAL IMPACT:

Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, CIP-52-676.0, was previously appropriated \$11,233,123, and this action will increase the appropriation by \$1,000,000. Funding is available in CIP-52-392.0, Fund 79006. This action will bring the total project appropriation to \$12,233,123.

Boekamp/DZ

Aud. Cert. 2600469.

Staff: Dave Zoumaras - (619) 533-3138
Eric A. Swenson - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-101: Funding From Uptown Development Impact Fees (DIF) for the West Maple Canyon Mini Park.

(Uptown Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-668) ADOPTED AS RESOLUTION R-301258

Authorizing the addition of CIP-29-891.0, West Maple Canyon Mini Park, to the Fiscal Year 2006 Capital Improvements Program;

Authorizing a \$375,000, increase in the Fiscal Year 2006 Capital Improvements Program Budget in CIP-29-891.0, West Maple Canyon Mini Park, Fund No. 79512, Uptown Developer Impact Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$375,000 from CIP-29-891.0, West Maple Canyon Mini Park, Fund No. 79512, Uptown Developer Impact Fees for the purpose of design and development of the West Maple Canyon Mini Park (the Project);

Finding this activity is statutorily exempt under the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15262 because this action involves only feasibility and planning studies for possible future actions that the City of San Diego has not yet approved or adopted.

STAFF SUPPORTING INFORMATION:

The purpose of the request for Council Action is to provide funding for the park. This project provides for the design and construction of a 0.25 acre mini-park located at the north west corner of Maple Street and Albatross Street, within the dedicated portion of Maple Canyon Open Space. Proposed park amenities may include walkways, landscaping, seating areas and public art. Project design will be completed with input from the appropriate community groups.

Upon completion of project design, a full environmental review of the project will be completed and any environmental issues identified will be addressed prior to start of construction.

FISCAL IMPACT:

Funds in the amount of \$375,000 are available from Uptown Developer Impact Fees (DIF), Fund No. 79512, for the purpose of the design and development of the park.

Oppenheim/Medina/AP

Aud. Cert. 2600567.

Staff: Gus Button - (619) 533-3025
Eric A. Swenson - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



[ITEM-102:](#) Developer Fees Fiscal Year 2005 Annual Report.

(See Report to the City Council No. 06-021.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-583 Cor. Copy) ADOPTED AS RESOLUTION R-301259

Accepting the Developer Fees Fiscal Year 2005 Annual Report and making findings related to unexpended balances as required by California Government Code Section 66001;

Declaring this activity is not a "project" as defined by CEQA Guidelines Section 15378; therefore, it is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(3).

Staff: Pam Bernasconi – (619) 533-3677
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 11:00 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-103: Bird Rock Banner District.

(La Jolla Community Area. District 1.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-710) ADOPTED AS RESOLUTION R-301260

Declaring banners maybe installed at the intersections of La Jolla Boulevard and the following streets: La Canada Street, Camino de la Costa, Bird Rock Avenue, Forward Street, Midway Street, Colima Street, Sea Ridge Drive, and Wrelton Drive, in accordance with San Diego Municipal Code Section 142.1210;

Declaring the Bird Rock Community Council, or a business improvement district (BID), if one is created, will sponsor and manage the banners;

Declaring the banners shall be installed in accordance with the following:

- a. The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted. The total area of logos and trademarks shall be limited to five percent of the banner area.
- b. The banners shall be displayed no more than 30 calendar days, with one 30-calendar-day extension.
- c. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
- d. The banners have received all necessary permits to locate in the public right-of-way.

SUPPORTING INFORMATION:

The Bird Rock Community Council is a non profit civic group dedicated to promoting the enhancement of the quality of life in Bird Rock. They will install street banners in the public right-of-way to raise awareness of community events of general public interest.

These banners will be sponsored and maintained by the Bird Rock Community Council, or a business improvement district should one be created, and will be displayed for no more than 30-calendar days with one 30-calendar day extension. They will not be used for commercial or political advertising except that the logos and trademarks of sponsoring organizations will be allowed. These logos and trademarks, however, may take up no more than 5% of the banner space.

The banners will be installed on La Jolla Boulevard on light standards located at the sites indicated on the map. They will only be installed on City light standards that have been equipped with the appropriate mounting hardware.

Peters

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



* ITEM-104: Appointments and Reappointments to the Commission for Arts and Culture.

(See memorandum from Mayor Sanders dated 2/24/2006.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-738) ADOPTED AS RESOLUTION R-301261

Council confirmation of the following appointment(s) and reappointment(s) by the Mayor to serve as members of the Commission on Arts and Culture, for terms ending as indicated;

<u>NAME</u>	<u>TERM ENDING</u>
Judy McDonald (Kensington, District 3) (Replacing Vivian Reznik, whose term expired)	August 31, 2006
Garet Clark (Mission Hills, District 2) (Replacing Josephine Briggs, whose term expired)	August 31, 2006
Thomas DiZinno (Bankers Hill, District 2) (Replacing Steven L. Miller, who has resigned)	August 31, 2006
Victoria Reed (La Jolla, District 1) (Replacing Iris Strauss, whose term expired)	August 31, 2006
Colette Carson-Royston (La Jolla, District 1) (Replacing Vicki Estrada, whose term expired)	August 31, 2006
Claire Anderson (San Carlos, District 7) (Reappointment)	August 31, 2007
Courtney Ann Coyle (La Jolla, District 1) (Reappointment)	August 31, 2007
Aida M. Mancillas (North Park, District 3) (Reappointment)	August 31, 2007
Dr. Joyce M. Gattas (Bankers Hill, District 2) (Reappointment)	August 31, 2007

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: Wear Red for Women Day.

COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-684) ADOPTED AS RESOLUTION R-301262

Proclaiming February 3, 2006, as “Wear Red for Women Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-330: Official Zoning Map.

Matter of approving, conditionally approving, modifying or denying the Official Zoning Map. The City of San Diego has an adopted zoning program to ensure that land uses are properly located and that adequate space is provided for each development. The zoning program is implemented by both the Land Development Code (Chapters 12 and 13) and the Official Zoning Map exhibit. In accordance with Section 131.0103, the Official Zoning Maps shall be identified as an exhibit accompanying the ordinance that the City Council approves for any zoning or rezoning action and shall serve as the authority for identifying the boundary of any application of a base zone. Staff conducted extensive research of past zoning actions to compile the correct zoning data citywide and reflect it on an Official zoning map for adoption by the City Council. No rezoning of property is requested as part of this action.

(See Report to the City Council No. 06-020. Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-678) ADOPTED AS RESOLUTION R-301263

Adoption of a Resolution of the Council of the City of San Diego adopting the Official Zoning Map.

COMMITTEE ACTION:

On July 21, 2004, Land Use and Housing Committee approved the City Manager's recommendations.

Yea: Peters, Zucchet, Lewis, Frye, Inzunza

OTHER RECOMMENDATIONS:

Planning Commission on December 15, 2005, voted 7-0 to approve staff's recommendation; no opposition.

Ayes: Garcia, Griswold, Schultz, Chase, Ontai, Otsuji, Steele

STAFF SUPPORTING INFORMATION:

The City of San Diego has an adopted zoning program for implementation of the development of land to ensure that land uses are properly located and that adequate development controls are provided for each development. The zoning and rezoning procedures are laid out in Chapter 12 of the Land Development Code, and the general rules for the inclusion and placement of property into an identified zone are established and defined in Chapter 13. The zoning program for the City is implemented by both the Land Development Code and the associated official zoning maps that identify each piece of property in the City and its assigned zone. In accordance with Section 131.0103, the official zoning maps are identified as an exhibit accompanying any ordinance that the City Council approves for any zoning or rezoning action and serves as the authority for identifying the boundary of any application of a base zone.

The problem with the current process is that a single Official zoning Map source with current zoning has not been available in either digital or in a hard copy mapped format. The citywide hard copy format was last consistently maintained in the early 1980s. Since that time the process to verify current zoning of a specific property requires manual research of a variety of sources including previous resolution, ordinances, final maps, development permits, and approved zoning drawing B-sheets and C-sheets. In many cases this system of zoning review resulted in errors and delay in the development review process at great cost to the City and to the public. This review process was further complicated when all the zones established by the old Municipal Code Chapter 10, Article 1, Division 4 were amended and replaced with the base zones established in Chapter 13 of the Land Development Code on January 1, 2000.

In consideration of the problem, the Land Use and Housing committee directed staff to prepare an Official Zoning Map exhibit and a public process to bring it forward for adoption. Funding for the project was identified as a part of the Development Services Department Fee proposal adopted by the Council in 2003. The approved fee allowed the Department to complete the required zone history research and automate the base zoning layer for access by the public. On July 21, 2004, LU&H approved a three phase public review and adoption process including public outreach and review, staff review and response to zoning challenges, and the public hearing and adoption process.

In the transition from the old paper maps to the Official Zoning Map, Development Services staff conducted extensive research on zoning actions citywide and created a zoning action index to aid in zoning research. The zoning action index identified all zone changes that occurred for each lot in the City and provided a starting point for the public and staff to research the current zoning. This research process was extremely time intensive, but has culminated in an Official Zoning Map that will be a tremendous asset to the City for future land development reviews.

The action of compiling information and reflecting it on an adopted Official Zoning Map exhibit is not an amendment to the zoning ordinance and does not require an amendment to the City's Local Coastal program.

Waring/Halbert/AJL

NOTE: This activity is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(2).

Staff: Dan Joyce – (619) 446-5388
Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:31 a.m. – 11:38 a.m.)

Testimony in favor by Robin Munro.

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-331: Four actions related to Proposed Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.

(See Centre City Development Corporation Report CCDC-06-06/CCDC-06-04. Centre City Community Plan Area. Districts 2 and 8.)

(Continued from the meeting of January 31, 2006, Item 331, at the request of Councilmember Faulconer, for further review.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the ordinances in Subitems A and C, and adopt the resolutions in Subitems B and D:

Subitem-A: (O-2006-84) INTRODUCED, TO BE ADOPTED ON MONDAY,
MARCH 20, 2006

Introduction of an Ordinance deleting Chapter 10, Article 3, Divisions 19.1 through 19.8 of the San Diego Municipal Code and replacing the deleted sections with Chapter 15, Article 1, Division 3, all relating to the Centre City Planned District Land Use Regulations and Design, and Development criteria to implement the Downtown Community Plan and replacing the deleted sections.

Subitem-B: (R-2006-649) ADOPTED AS AMENDED AS RESOLUTION R-301264

Repealing the Centre City Community Plan, adopted April 28, 1992, and adopting a New Downtown Community Plan.

Subitem-C: (O-2006-85) INTRODUCED, TO BE ADOPTED ON MONDAY,
MARCH 20, 2006

Introduction of an Ordinance approving and adopting the proposed Tenth Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.

Subitem-D: (R-2006-650) ADOPTED AS RESOLUTION R-301265

Certifying the Final Environmental Impact Report (EIR) for the Centre City Redevelopment Project for the Proposed Downtown Community Plan, the proposed Centre City Planned District Ordinance and Proposed Tenth Amendment to the Centre City Redevelopment Plan and making certain findings regarding the Environmental Impacts of the Proposed Downtown Community Plan, proposed Centre City Planned District Ordinance and Proposed Tenth Amendment to the Redevelopment Plan for the Centre City Project Area; making certain findings and adopting a Statement of Overriding Considerations regarding the Environmental Impacts of the proposed actions; and adopting a Mitigation Monitoring and Reporting Program.

NOTE: See the Redevelopment Agency Agenda of 2/28/2006 for a companion item.

FILE LOCATION: SUBITEMS A&C: NONE
SUBITEMS B&D: MEET

COUNCIL ACTION: (Time duration: 2:06 p.m. – 8:47 p.m.)

Testimony in opposition by Carolyn Chas, Richard Barrett, Nico Calavita, Dianne Coombs, Joan Dahlin, Donald Cohen, Laura Benson, Monserrat Hernandez, Maria Matinez, Duncan McFetrich, Michael Manville, Matt Peterson, Jim Puegh, Wayne Riggs, Mignon Scherer, Gabriel Solmer, Patricia Collori, Rosa Morales, John Stump, Lorena Gonzalez, Jerry Butkeiwitz, Tom Mullaney, Bruce Coons, David Kersh, Ben Kamin, Molly Rhodes, Michael Magallanes, Blanca Esquer, Michael Conroy, and Kathy Evans-Calderwood.

Testimony in favor by Barbara Warden, Michael Johnson, Joyce Summer, Don D'Amato, Todd Ruth, Craig Woods, Robert Nobel, Sandra Simmons, Gary Smith, Jim Schmidt, Tom Fitzgerald, Kathy Davis, Alex Boyarsky, Scott Tillson, Patti Krebs, Scott Alevy, Michael Witkin, Keith Fernandez, Craig Anderson, Steven Gibson, Sherry, Jones, Jim Dawe, Donna Jones, Brad Perozzi, Mike Singer, Mike McDade, Christopher Hall, Erik Brouvold, Thomas Fat, Sharon Cloward, Gary London, John Helmer, Simonne Ruff, and Tom Scott.

MOTION BY FAULCONER TO INTRODUCE THE ORDINANCES IN SUBITEMS A AND C, AND ADOPT THE RESOLUTIONS IN SUBITEMS B AND D WITH THE FOLLOWING AMENDMENTS AND DIRECTIONS:

1. ADOPT A RESOLUTION REPEALING THE CENTRE CITY COMMUNITY PLAN ADOPTED APRIL 28, 1992, AND ADOPTING THE PROPOSED NEW DOWNTOWN COMMUNITY PLAN BASED UPON THE STAFF REPORT DATED JANUARY 25, 2006, WITH THE CHANGES LISTED ON THE "COMMUNITY PLAN ERRATA," DATED FEBRUARY 28, 2006, AND THE ADDENDUM TO THE COMMUNITY PLAN ERRATA, DATED FEBRUARY 28, 2006.
2. DIRECT CCDC STAFF TO DRAFT IMPLEMENTING LANGUAGE WITHIN 60 DAYS TO ESTABLISH A NEW FAR BONUS PAYMENT PROGRAM FOR REDEVELOPMENT AGENCY APPROVAL WITH THE FOLLOWING COMPONENTS:
 - A. THE FAR BONUS PAYMENT WOULD BE SET AND FIXED AT \$15/FAR SQUARE FOOT TO BE APPLIED AT THE TIME THAT THE DEVELOPMENT APPLICATION IS DEEMED COMPLETE AND PAYABLE UPON ISSUANCE OF A BUILDING PERMIT.
 - B. THE FAR BONUS PAYMENT SHOULD ONLY APPLY TO DEVELOPMENT PROJECTS WITHIN THE REDEVELOPMENT PROJECT AREAS COVERED BY THE PLAN.

- C. SUBJECT TO THE REQUIREMENTS OF CALIFORNIA REDEVELOPMENT LAW, THE FAR BONUS PAYMENTS WOULD BE DEPOSITED INTO A DEDICATED FUND TO BE USED TO ASSIST IN THE ACQUISITION AND CONSTRUCTION OF DOWNTOWN PARKS AND PUBLIC INFRASTRUCTURE THAT HAVE BEEN IDENTIFIED IN THE CENTRE CITY PUBLIC FACILITIES FINANCING PLAN. TO THE EXTENT THAT FAR BONUS PAYS FOR PUBLIC FACILITIES IDENTIFIED IN THE FINANCING PLAN, THE COST BASIS OF SUCH FACILITIES SHALL BE REDUCED.
3. DIRECT CCDC STAFF TO DRAFT IMPLEMENTING LANGUAGE WITHIN 90 DAYS TO CREATE A DOWNTOWN PARKS MAINTENANCE PROGRAM FOR COUNCIL AND REDEVELOPMENT AGENCY APPROVAL TO BE PRIVATELY AND VOLUNTARILY FUNDED.
 4. DIRECT COUNCIL DISTRICTS 2 AND 8 TO PROPOSE AN IMPLEMENTATION AND MONITORING COMMITTEE WITHIN 30 DAYS FOR COUNCIL APPROVAL TO REVIEW PROGRESS OF PLAN IMPLEMENTATION ON AN ANNUAL BASIS.
 5. INTRODUCE THE PROPOSED CENTRE CITY PLANNED DISTRICT ORDINANCE BASED UPON THE STAFF REPORT DATED JANUARY 25, 2006, WITH THE CHANGES LISTED IN THE CENTRE CITY PLANNED DISTRICT ORDINANCE ERRATA, DATED FEBRUARY 28, 2006, AND THE ADDENDUM TO THE PROPOSED CENTRE CITY PLANNED DISTRICT ORDINANCE, DATED FEBRUARY 28, 2006.
 6. INTRODUCE THE ORDINANCE APPROVING AND ADOPTING THE PROPOSED TENTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CENTRE CITY REDEVELOPMENT PROJECT.
 7. CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED DOWNTOWN COMMUNITY PLAN, THE PROPOSED CENTRE CITY PLANNED DISTRICT ORDINANCE AND THE PROPOSED TENTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE CENTRE CITY REDEVELOPMENT PROJECT; ADOPT CERTAIN FINDINGS AND ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTIONS; AND ADOPT THE MITIGATION AND MONITORING PROGRAM.
 8. DIRECT CCDC AND CITY FACILITIES FINANCING STAFF TO PROPOSE AN UPDATE TO THE CENTRE CITY FACILITIES FINANCING PLAN WITHIN SIX MONTHS FOR REVIEW AND APPROVAL BY THE LAND USE AND HOUSING COMMITTEE (OR COUNCIL) TO PROVIDE ADEQUATE PUBLIC INFRASTRUCTURE FOR FUTURE DEVELOPMENT IN ACCORDANCE WITH THE PLAN.

9. DIRECT CCDC STAFF TO CLARIFY THAT EIR HISTORICAL RESOURCES AND ARCHEOLOGICAL SECTIONS SHALL CONFORM TO THE CITY'S EXISTING DESIGNATION AND SITE DEVELOPMENT PERMIT PROCESS.
10. DIRECT CCDC STAFF TO REVISE THE EIR HISTORICAL RESOURCES AND ARCHEOLOGICAL SECTION TO REQUIRE ADDITIONAL MITIGATIONS FOR BOTH THE DIRECT AND CUMULATIVE IMPACTS AS DETERMINED TO BE APPROPRIATE BY THE HISTORIC RESOURCES BOARD THROUGH THE SITE DEVELOPMENT REVIEW PROCESS.
11. REAFFIRMING THAT THE EIR IDENTIFIES CUMULATIVE SIGNIFICANT IMPACTS TO WATER QUALITY FROM URBAN RUN-OFF. AN INCREASE IN VEHICLE TRAFFIC AND OTHER ECONOMIC ACTIVITY MAY CAUSE AN INCREASE IN TRASH, BRAKEDUST, OILS, AND SOLVENTS, WHICH MAY INCREASE LEVELS OF BACTERIA AND OTHER POLLUTANTS IN URBAN RUNOFF. THE EIR CONTEMPLATES IMPLEMENTATION OF BEST MANAGEMENT PRACTICES AS CURRENTLY REQUIRED BY THE MUNICIPAL CODE, WHICH IN TURN IMPLEMENTS THE FEDERALLY ENFORCEABLE MUNICIPAL STORM WATER PERMIT ISSUED BY THE REGIONAL WATER QUALITY CONTROL BOARD. THESE BEST MANAGEMENT PRACTICES MITIGATE THE IMPACTS TO WATER QUALITY FROM URBAN RUNOFF TO THE FEDERAL WATER QUALITY STANDARD OF "MAXIMUM EXTENT PRACTICABLE." AS SUCH, THE PROGRAM EIR ACKNOWLEDGES WATER QUALITY IMPACTS TO BE MITIGATED TO THE EXTENT FEASIBLE THROUGH EXISTING FEDERAL, STATE, AND LOCAL REGULATIONS.
12. ALLOW LIVING UNIT PROJECTS AS DEFINED IN THE PLANNED DISTRICT ORDINANCE AS A PERMITTED RIGHT IN THE ZONES WHERE THEY ARE CURRENTLY REQUIRED TO OBTAIN A NEIGHBORHOOD USE PERMIT.

Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-nay, Hueso-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 8:49 p.m. in honor of the memory of:

Faye Nash as requested by Council President Pro Tem Young.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 8:48 p.m. – 8:49 p.m.)